

## **COMMITTEE ON JOINT SCHOOL BUILDINGS**

**May 5, 2004**

**5:00 PM**

In the absence of the Chairman, the Clerk called the meeting to order.

The Clerk called the roll.

Present: School Committee Members Herbert (late), Beaudry, Cote (late) and Aldermen Roy, Porter, DeVries, and Thibault

Absent: School Committee Member Kelley and Alderman Garrity

Messrs.: T. Clougherty, A. Jefferson, K. Cornwell

There being no quorum, the Clerk advised that discussion only may take place at this time.

### **Update on the School Facilities Improvement Project.**

Mr. Tim Clougherty stated with me this evening are Ken Cornwell, Project Manager with Gilbane and Allen Jefferson, our Program. Manager. I will let Allen start off with a little history of what we have gone through over the past five to six weeks and then we will turn it over to Ken and he can update us on some of our upcoming activities.

Mr. Allen Jefferson stated in the last five to six weeks Central High School steel erection for the addition is nearly complete. Deck placement continues. Now fireproofing of the structural steel has also commenced within the addition and interior painting has commenced. I think that is within the Practical Arts building. The third floor bathrooms have also commenced with renovations to facilitate ADA upgrades and fire protection has continued within the Practical Arts and the Classical buildings and the fire alarms within the Classical and Practical Arts, I believe, are completed with testing having been done in the past few weeks. Over at West High School spraying of insulation for the wall has commenced and to date that has probably been completed and interior block work at the new addition at the bathroom area has also been completed. They have commenced with exterior brickwork, both within the courtyard and from the street. Fire protection also continues and fire alarm installation continues and interior painting has commenced at the Mackin building. Over at Memorial basically the foundation work and mobilization and excavation for both the classroom addition and the

gymnasium has commenced. Also at Gossler electrical upgrades, ductwork installation and gas pipe installation has commenced and roof curb installation was completed. At Webster School the electrical updates continue. Over April vacation at the middle schools work has started commencing with corridor ceiling tile removal and that is to facilitate ductwork installation and electrical layout and coordination drawings for that to take place. Over at Smyth and Jewett gas pipe installation continues at both locations and ductwork installation and interior painting I believe has been completed. Also, select classrooms have been painted as well. As with every month, safety meetings are ongoing and OCIP enrollment is ongoing and weekly meetings and as needed meetings with the Code Review Official of the Manchester Fire Department are taking place. For upcoming activities, I will turn it over to Ken Cornwell.

Mr. Ken Cornwell stated just to continue with what Al started I am going to run through the schools. Right now we have nine schools under construction and I will just run through them – Central, West, Memorial, Southside, Hillside, Jewett Street, Smyth Road, Webster and Parkside are all under construction as we speak and I will go into detail in a few minutes. As you probably know or maybe don't know I am going to give you a quick update of where we are headed. We are programming right now and planning for the summer of 2004, which is probably going to be the biggest part of the project since we started. We will have 14 schools under construction come June 22. This is the year we plan to replace all of the floors and get most of the work done in the schools from the abatement standpoint. Just to add on to those other schools we will be looking at Goffs Falls, Parker-Varney and I think those are the only two we have to add to get us on board with all of the abatement activities. From a design standpoint we are down to having five schools left to complete. We expect to have final design documents on what we call Design Group 3 in another two weeks. The only school that will be left is the Manchester School of Technology and we are probably looking to have MST done on or about the second week of June. That will complete the design phase for the program so we will be in strictly construction. At Central High School although you can't see it unless you are inside the courtyard we are enclosing the building much like West. We are putting up the metal studs and the din glass. The mason is already mobilized at Central and we are starting to enclose the building. Mechanical ductwork is ongoing and we expect to see rooftop equipment there some time in June. Looking down the road we hope to enclose that building for school to start in August. I know it is not even out yet and here we are talking about it opening up again. West and I would encourage anybody to ride by but we think it is a wonderful contribution to the neighborhood. The brick is going up and it is really starting to look like it fits right in there so I think the architect has done a wonderful job there. We are on target and I have been working with Tim and his group. We are planning on moving administration before school starts this summer. The administration building will

be occupied before school starts in August. They are scheduled to move sometime between now and then. We expect to have kids in the classrooms either when school starts at West or shortly thereafter. Again, it is going to depend on timing. Looking at Memorial we just started construction there. As Allen said we have foundations in now for the gymnasium extension and we are actually working on the classroom additions as we speak. We should see structural steel there in two weeks so we are moving along pretty fast there. Hillside and Southside, Hillside is under construction now. We have started the foundations. At Southside we expect to do the same. We were just trying to get one set up before we disrupt the other one. Jewett Street and Smyth Road I am just going to talk about those together. They are the schools that are the furthest along. We expect to be starting up equipment as soon as we get the gas on line, which we are projecting will be about a week or two away. The schools are pretty far along. We will be dropping ceilings back in and hopefully turning that school over soon. We had originally projected July I think and we are still shooting for that. That will be our first milestone. We have started Webster School. They have started removing ceilings and doing exploratory work. We have been in Parkside and removed all of the ceilings in the corridors of Parkside getting ready for the night operations to start. That is pretty much where we are from the construction end.

Alderman Thibault stated you just said that West High School will hopefully be ready in August for the kids to come in. If you are not, what do we do with the kids at that point?

Mr. Cornwell responded the idea is to cycle them into the new room because they actually will absorb those rooms. We are not impacting any classroom space at all right now. We do plan on doing the media expansion, which takes up to two classrooms and that is why it is important for us to get the new classrooms done. We need a minimum of two classrooms for the kids to have when school starts in September.

Alderman Thibault stated Tim I am sure you are aware of this because you have been here awhile working on some of this but it seems to me that every time we do work on some of these schools we end up with a roof leaking problem. Is there a way that we could be absolutely sure that we check this out and we don't end up six months after construction getting water into the building? To me it would seem that an extra day or so to make sure that this doesn't happen is worth it.

Mr. Clougherty responded most definitely. At West High School we are actually replacing that entire roof. It is one of the largest roof projects we have under the current program. We are going to have a brand-new roof under warranty for an extended period of time.

Alderman Thibault asked is that a rubber roof.

Mr. Clougherty answered yes it is what is referred to as an EPDM roof, which is a rubber sheet roof.

Alderman Thibault stated I hope we don't have that problem. It seems that almost every time we have construction six months later we end up with water inside the building.

The Clerk noted that School Committee Member Cote has arrived so there is now a quorum present and a motion to elect a Chairman Pro-Tem would be in order.

On motion of Alderman DeVries, duly seconded by Alderman Porter it was voted to elect School Committee Member Beaudry as Chairman Pro-Tem.

Chairman Beaudry stated I just have a couple of questions that have been raised on the School side and it is on the renovation of the Practical Arts Auditorium and the auditoriums in general throughout the high schools. How did the floors get...I guess there was an oversight on the floors where we got a letter from parents at Central, which is what actually prompted us to look into this but we are reconditioning the whole Practical Arts Auditorium but we are going to put all the new stuff on an old floor and I guess the parents were going to do it themselves but there were some legalities so now the School District is coming up with \$38,000 out of our existing budget. We are not going to do it as a change order to have Gilbane do the floor at Central and I guess you are supposed to be looking at the carpets at West and Memorial also that weren't part of the overall design-build. We are looking at things that if you were going to do a whole room how could they forget the floor? I was wondering how did that happen?

Mr. Clougherty responded we did pick it up at West High School. At Memorial High School the floors are in good condition. At Central High School we didn't see the immediate need to spend the money to refinish the floor. It is a maple strip wood floor that is in good condition from a structural and material perspective but there was a desire as you mentioned from the Parent Teacher group or Student group to have the floors refinished. We felt that it as, as you are probably aware I believe it was brought up at the Building & Sites Committee meeting a week or two ago. We solicited proposals from Gilbane through a sub contractor in order to refinish the floor during the course of our work. It is an opportune time to do it. It is not an absolute necessity but I think it does add quality to the theatre and it is an excellent time to do it. As I said we are removing the existing seating and replacing that seating so now is the time to do it.

Chairman Beaudry stated if you don't already know it did go through Finance also and will be going to the full School Board this month and hopefully you will have the okay to do it. It did pass Building & Sites and Finance on Monday night. It just goes to the full Board now and will be going to you I assume. School Committee Member Herbert has arrived so I will relinquish the Chairmanship to him.

Alderman Porter asked on Page 9 of 13 I just want to know how to read it. You have the budget, the amount encumbered, percent complete, amount expended...it is fairly self-explanatory and this is just a minor thing but it would help me to understand how these are done. You have under Arthur Gallagher the amount expended \$265,000 but percent complete is 0. Should that be 100%?

Mr. Clougherty answered yes that should be 100% because we have expended the \$265,000.

Alderman Porter responded okay I just didn't know if I was reading it wrong that's all. So wherever the amount expended is equal to the budget that would be 100% complete right?

Mr. Clougherty replied that is correct.

Alderman Roy stated during the update there was a comment that when West is finished it needs to be furnished. Is that money allocated or am I reading deeper than I should into the word furnished?

Mr. Clougherty responded the money is currently allocated within the program within our budget. It is not under Gilbane's umbrella in all aspects. I think Gilbane is responsible for furnishing the media centers and we have a line item allocation and will be working in conjunction with the School District to identify their needs and procure the necessary furnishings for not only the offices but any of the other ancillary areas like nurses, administration, and guidance not to mention the numerous classrooms.

Alderman Roy stated a request that I guess I would throw to the Building & Sites Committee is as discussions come up that impact the design-build if they could be forwarded to us so that we know about them like the problems with flooring and anything like that so we are made aware before these meetings and can help assist in the progress of those things it would be appreciated.

Alderman Porter asked the \$1,083,439 that was approved at the last meeting or two meetings ago that was outside of the contract has that been expended.

Mr. Clougherty answered not it has not.

Alderman Porter stated I have a question pertaining to that. How did that surface? Was that walls, floors? I don't have the complete sheet here but in going over it after because we hadn't had it that evening as Alderman Garrity made a point to let you know could we go over that briefly?

Mr. Clougherty responded I don't have all of the information that tells us where all of those materials are but I can give you an idea of how it came about if that will help you out. I would be happy to provide you with reports and the analysis.

Alderman Porter stated you had laid out by school exactly what was needed and how much was going to be expended and I don't see that here. If you have that...do you have it here?

Mr. Clougherty responded I don't have that with me.

Alderman Porter asked could you get that to me please.

Mr. Clougherty answered yes that won't be a problem.

Alderman Thibault stated Tim some discussion was brought up last night about the maintenance of these buildings once they are constructed. Is there anything in your budget that exists or puts in motion something to keep these buildings maintained at a proper level?

Mr. Clougherty responded if it please the Chair that is the last item on the agenda and there is one other item that I wanted to bring up before we got to the discussion on maintenance. I wanted to bring forward as we discussed last month an issue regarding stairways at Southside and Hillside Middle Schools. I told you that I would be quantifying those costs and bringing those costs forward this month. You will see in your agenda some pretty comprehensive breakdowns of costs associated with those stairwells that we discussed. Just a brief history on how this came about. Through our procurement process with design-build we provided baseline schematic drawings for the candidates that we were entertaining at the time and directed them to rely on those baseline drawings. They were drawings for the additions at the three high schools, as well as the two middle schools. Now those drawings were developed in consultation with our consultant, Parsons-Brinckerhoff, the Manchester School District, the State Fire Marshall's Office, the Manchester Fire Department and our own Building Department. We instructed Gilbane at the time to rely on those drawings and their accuracy. Once the contract was awarded, intensive design development took place and that intensive design development included analysis of all building exits and paths of

egress, as well as building occupant counts. During this process it was discovered that the paths of egress available at those two schools were insufficient to meet the capacities that we were now calculating based on the addition. That necessitates the requirement for the addition of a stairwell at each of those schools and it also justifies Gilbane in asking for that additional compensation.

Alderman DeVries asked when did that come to the forefront. When Gilbane was first awarded the contract you said that the analysis of the egress took place?

Mr. Clougherty answered no. It wasn't when they were first awarded the contract but that is when we first began design development. It came to the forefront a couple of months ago when we were finalizing those designs. We have been trying ever since to minimize the impact obviously and I have been banging on Ken to minimize the cost and try to come up with other ways to solve the problem. Unfortunately, this is the best solution that we could come up with.

School Committee Member Beaudry stated Tim I have to...I agree with what you are saying but it was my understanding that when the RFP's were sent out the contractors had architects of their own because each one of them sent in a different plan and we kind of if you want to use the word stole from one or the other and adopted what we felt was the optimal plan and then sent it back out so they could rebid. One construction company had the underground garage and another one didn't and it was my understanding that we compiled the best of both plans and sent it back out to the contractors and they rebid on that. Their architects had a lot of input on these designs. I have a real problem with you coming before us now saying we need another change. The number you threw out the last time was about \$400,000. I see on Southside you have a total of \$97,000 but I don't have a total for Hillside. You only have Page 1 and then it runs into Southside bathrooms on Page 2. I don't see a total. Do you have a total number of what that change order would be?

Mr. Clougherty responded I will find those numbers for you in just one second. I just want to clarify something you referenced relative to the RFP process. Nothing was stolen from...

School Committee Member Beaudry interjected that was probably a bad term to use.

Mr. Clougherty stated we reserved the right to use any designs that were submitted and those designs that were submitted became the property of the City of Manchester upon submission so nothing was stolen.

School Committee Member Beaudry replied you are right and that was a bad word to use but what I am saying is the architects from Gilbane and the architects from Cole I believe it was had input in the initial plans and somebody missed the boat on these stairwells and I can't see why we have to have another change order. We just had \$ 1million in asbestos abatement. We are six months into this design-build and we have basically a three-year program and if the number that you threw out there is \$400,000 you are looking at almost 40% of our contingency fund money will be gone in the first six months. I have a concern with that and if, in fact, the architects for Gilbane and that is one thing that was nice about the design-build is that it alleviated the liability on us really if there was a flaw in a design because Gilbane owns the architects and engineers basically. We were out of the picture at that point. I feel that they should have looked at the plans and recognized that there was insufficient means of egress in those additions and that should have been part of the initial cost and not have come back after the fact saying we need additional money to put them in.

Mr. Clougherty responded I appreciate what you are saying unfortunately at the time we did have to provide a level of documentation in order to insure that our proposals were apples to apples coming in. In doing that, we employed the services of several public agencies, as well as professional design consultants to develop those plans on our behalf. We felt at the time that those were meeting all codes and standards necessary in order to be constructed. It wasn't until we got into the intensive design process where we looked at the capacities of the schools and we looked at the numbers of students that we were adding to those schools that this situation arose. Yes, Gilbane does have architects and engineers on staff, however, we also allowed them to rely on the documents that we provided to them at the time of proposals.

School Committee Member Beaudry asked on the final RFP, the proposal that we are working off of right now, the architectural design, who made that design up. It wasn't the design that you sent out for the RFP it is the design that Gilbane and their architects formulated for this project at this point. That is what they are working off of.

Mr. Clougherty answered they are working off of that at this point because it includes the stairwells, which meets all of the codes necessary.

School Committee Member Beaudry asked when they won the bid you are telling me that the design that we accepted when Gilbane won the bid was a design that our architects bid and gave to them for the RFP or was it their architects that did the design that we accepted under the last proposal.



Mr. Clougherty answered it was the design that was included in the RFP that we told them they could rely on. We did not ask them to come up with a new design and they did not come up with an unsolicited alternative new design for those two schools like they did at Central High School.

Chairman Herbert asked what was the new information that was changed or added to subsequent to the initial design phase that created your feeling that we needed...what was the new information that wasn't in the RFP that changed the need and resulted in a change in design. What triggered this change?

Mr. Clougherty answered it wasn't a lack of information in the RFP, it was the fact that the intensive code analysis was not done during the preparation of the RFP. That intensive code analysis is typically done when you are putting pen to paper for construction purposes and that is where we fell short. We didn't fall significantly short, but we fell short.

Chairman Herbert asked so the stage when you actually started dotting the i's on meeting code and running into enrollment figures and all of the demands on the building at that point you realized that you needed additional egress and ingress at that part of the building.

Mr. Clougherty responded exactly and just to touch on something that School Committee Member Beaudry mentioned regarding contingencies and where we stand, our initial contingency fund was roughly \$5.65 million. The Committee authorized \$1.083 million last month to address unforeseen conditions relative to hazardous materials. At this point we are asking you to authorize \$380,350 in additional costs for the stairwells. That brings us up to roughly \$1.4 million in contingency money. That is \$1.4 million out of the total of \$5.6 million leaving us roughly \$4.25 million. We are still at \$4.25 million. We are also 95% through design. We have designed all of the additions. I think we might have one school left with a significant amount of work and none of these other issues have come up. We think we did a pretty good job as far as protecting that contingency and covering ourselves through the RFP. Yes, the \$400,000 is a big hit to take but it could have been more substantial should there have been more unforeseen conditions if you will. We are substantially complete to say the least with our design effort and we don't anticipate any major items of this nature to come up.

Alderman Roy stated Tim in looking at the cover sheet for the construction change authorization there is \$4,900 for architectural fees and \$6,300 in engineering fees. I just want to note that but I have a question to ask you and that is per design they are fairly similar and you mentioned in the beginning about when the drawings were done and it going out to RFP. From the time that it went out to RFP my understanding was that if we had our t's crossed and i's dotted for the RFP then

we wouldn't be in design-build but just build. Who did the drawings that this was missed on? We have architects and engineers and Gilbane in front of us. Who missed this? You named a lot of agencies that it was run through including the State Fire Marshall but our numbers haven't changed for what we expect the capacities of those schools to be at least in the four years that I have been involved in the facilities. Who missed this in the initial drawings that you referenced?

Mr. Clougherty stated Parsons-Brinckerhoff was our consultant that we contracted for the majority of the design services that were done through the RFP.

Alderman Roy asked and they had the stairway not drawn in.

Mr. Clougherty answered that is correct.

Alderman Roy stated so it was non-existent.

Mr. Clougherty responded that is correct. If I may add to that, Parsons-Brinckerhoff again did not put these drawings together in a vacuum. The buildings were visited with representatives from all of the agencies that I talked about and it was missed by everybody. This is going to be shared across many lines.

Chairman Herbert stated we made a change. We you came to us I think you went to Building & Sites first. There was a change in the design of both middle schools involving...you actually made a pretty significant design change. Did that design change trigger the need for the egress?

Mr. Clougherty responded definitely not.

Chairman Herbert asked that had nothing to do with it.

Mr. Clougherty answered no, it didn't.

School Committee Member Cote stated back in the fall we talked about moving the stairwell and had some discussion about the parking lot. No one ever looked at the code and requirements back then when they were looking at that stairwell?

Mr. Clougherty replied we were looking at the whole thing at that time.

Alderman Porter stated I have a suggestion. Tim, the meeting where we approved the \$1.083 million it was brought in and I think the question was asked if the vote could be taken that night and the response was it should be and yet nothing has

been spent. What I would like to do is have the Committee consider...the amount you are looking for is \$381,106 correct?

Mr. Clougherty stated it is \$190,175 for Southside and \$190,931 for Hillside.

Alderman Porter asked is it \$381,106.

Mr. Clougherty answered yes. For clarification when we talk about money being spent I was talking about physically paying out those funds for the removal of the materials. When I said last month that we couldn't wait it was because we had to commit those funds. Those funds were committed. Gilbane at that time had to enter into contracts with various vendors but those monies haven't been paid out. We haven't been invoiced for them as of yet.

Alderman Porter asked when will that work be done. How far out from here?

Mr. Cornwell answered some of the work has already started. I think we did some of it at West High School and a little bit at Webster. For the most part, the work will take place in June.

Mr. Clougherty stated the April vacation was a triggering factor and also the fact that Gilbane had bids in hand and in order to be able to execute the contract for the full amount with the unforeseen conditions they needed to have that commitment from us.

Alderman DeVries stated in reference to the stairwell changes that need to take place at both Southside and Hillside, the timing on that because you must have...it has already gone through the design process but those projects are underway so where are you as far as needing that change order this evening

Mr. Clougherty responded as I explained last month we were trying to finalize those numbers and I didn't want to bring it to you until we had a comprehensive analysis of that. At this point, we do. We would appreciate a commitment this evening.

Alderman DeVries asked and what is the consequence if it is not forthcoming this evening. Does that stall the project?

Mr. Clougherty answered we can't build the addition without the stairwells. They don't meet code without the stairwells so this is an inevitable cost that we are going to have to incur should we decide to move forward with these projects.

Alderman DeVries responded I understand that. I am just trying to lay out for the Committee if they are questioning the consequence of this vote not being taken this evening and I would just like you to comment. If it does not take place this evening that delays this project?

Mr. Clougherty replied there is a potential for a delay. We may incur some delay costs associated with steel. I would like to be able to give Gilbane the commitment in order to move forward so that we are not even talking about any of those things.

Alderman DeVries stated that is kind of a half answer. Ken, do you think you could...if the action is not initiated and formalized so that you can commit to the contracts and such how does that actually put you in regards to your schedule? Does it mean that we will fall off the final calendar?

Chairman Herbert stated you are making a point, which I think I understand but there is something I don't understand and that is the purpose of the delay would be to what.

Alderman DeVries replied I am not saying that I think it should be delayed. I am just hearing from my colleagues that they are entertaining that we should sit on this and think about this and consider the consequence of going into this action so I am trying to follow up on saying if people are of that mindset what is it actually going to do to this construction project underway?

Mr. Cornwell stated I will tell you that Allen has proceeded to do the design on the stairway. It is designed as we speak. We have started foundations to install the stairs. If we can't put the stairs in we would have to stop. The implications of waiting another month is it would jeopardize the completion of the project.

Alderman Roy stated so Tim if I understand correctly the structural steel has not been ordered for this job.

Mr. Clougherty responded I believe it has been ordered.

Mr. Cornwell stated all of the steel has been ordered.

Alderman Roy asked so the price is set.

Mr. Clougherty answered yes.

Alderman Roy stated in looking at the two proposals for Hillside and for Southside everything is identical except for the architectural fees. Are these truly mirror images of each other?

Mr. Clougherty responded yes they are.

Alderman Roy stated not that I want to nickel and dime this but are we paying for engineering and architectural fees that are copying fees or was that a division of spreading it through both projects.

Mr. Clougherty responded I think it was envisioned as spreading it through both projects.

Alderman Roy asked if we could get confirmation on that, that would be nice.

Mr. Clougherty stated there was a significant amount of effort that was undertaken to design the stairwells. It is not just designing a stairwell. It is can we put it here or can we put it there? Can we widen the existing stairwells? How many kids do we actually have in these additions? Can we say there are fewer kids because our square footage is a little bit smaller? Each one of those what ifs takes a few hours of research. It is not put the stairwell in that corner, draw it up and we are going to build it. I think that the fees they are looking for are reasonable and they are actually roughly \$20,000 which is 5% to 6% of the construction, which is a very competitive rate.

Alderman Roy replied it is just that on the two proposals every number is identical except for the change in architectural, which went up on Hillside.

Mr. Clougherty stated Allen just brought to my attention that the footprints of both of them are identical, however, we have different grade conditions between Southside and Hillside, which means we had different civil engineering costs.

Alderman Porter asked had this been done initially without it being a change would the cost have been included in the original price.

Mr. Clougherty answered the cost would have been included in the original price.

Alderman Porter asked so it would have been higher in the very beginning than it is now.

Mr. Clougherty answered that is correct. We are getting something that we didn't pay for originally is the theory.

Alderman Porter responded right and had that been in the original design the cost could have been that much higher because of the additional design.

Mr. Clougherty replied that is a reasonable assumption.

Alderman Lopez stated I totally don't agree with that because the way design-build was presented to this Board of Mayor and Aldermen to improve everything was included. Had everybody done their job and done it properly then they all should take the blame as you indicated. If everybody was up there checking with the Department of Education and everything else this would have been included in the design-build and they would have come in with the \$105 million at the same time so I totally disagree with the savings.

School Committee Member Beaudry stated I don't want to belabor the issue but if there was a fundamental flaw in that design that you gave out in the RFP wouldn't the contractors have picked that up or were they just going basically blind on a document that was drafted by somebody else. Their architects must have had to look at that to get a cost analysis on this on what it would cost to build this thing. I still am perplexed as to how they could go through a project and not see that the means of egress were not available for an addition that is something that they are going to be building. I can't get the commonality of how that could happen when we had so many people looking at these documents. I know that their architects had to have an influence in the documents because that is how they get their price. I don't know where the liability lies but I feel that the liability does lie on the people that bid the winning price. Their architects should have picked this up and if they didn't then I don't know if they have insurance for that or whatever but I think they should borne the cost of the flaw. Tonight I am going to vote not to pay the \$400,000 or \$381,000 because I believe this should have been scrutinized by Gilbane when the bid was done and it should have been picked up at that point. That is just how I feel.

School Committee Member Cote stated I am in the same vein as Mr. Beaudry is. This is a major change. You are looking at the fact that we already moved the staircase once and somebody should have been checking that. I can't believe this happened especially when the votes came forward for final design-build. This is a major issue to me. It is like an electrical service. You figure out how many amps you are going to need. When you look at the egresses for an expansion you make sure that you have them all covered before you give out a price. That is a major issue.

Mr. Clougherty responded this was picked up and that is why we are sitting here tonight. It was picked up awhile ago and as I explained we have been trying to find other ways to address the problem that arose. During the proposal phase we

gave drawings that we instructed our candidates to rely on. They were given an abbreviated time to put together an estimate on \$100 million worth of work. We didn't require them do to an intensive code analysis at that time. Had we done that, our price would have been substantially higher because we have other issues, which are grandfathered via code and we are not expanding some of the schools. So an intensive code analysis wasn't done for every single building. With respect to the additions that was done during our design development process and this was the result of that design development at these two schools. Thankfully when we got into our design development at Central High School in particular we were able to have all of the i's dotted and t's crossed. That is really where we could have run into some issues because traffic flow patterns and things like that weren't intensely analyzed like I said through the code analysis process until after the fact.

School Committee Member Cote stated the timing on the code analysis was very important. Making code changes this late in the game when they should have been done up front...I understand what you were saying about the design-build calendar, etc.

School Committee Member Beaudry stated I would agree, Tim, with the first time the bids went out for RFP but when the bids came back and you ended up changing and taking things from one to another and resubmitting those bids to the contractors they really had two bites of the apple when you look at it. They made the initial bid and then we compiled things from one contract and things from another and put one final document together and sent it back out. They had a second bite of the apple and both times they didn't pick up that there was not sufficient egress on these additions. I can't see how they could...I will give it to you on the first one but when it was sent out again I can't see how they missed it the second time. That is my concern.

Mr. Clougherty responded the scope of work that we talked about the second time...first of all these two schools weren't included in the initial release of the request for proposals, which was September 23. They were due back on December 6. That was for the work associated with the three high schools only. When we received that information back on December 6 relative to parking garages and four floor expansions of Central High School, we analyzed that data and collectively made some decisions to include parking garages and other changes to the original program. We sent that back out, I believe the first week in January. That would have been 2003. When we reissued those high schools essentially and we said we need a parking garage here and we need four floors at Central here and we would like West to be configured like this and tweaked Memorial a little bit we said and we also want you to renovate these other 18 schools and we want you to add on to these two middle schools and we need your price in five weeks. So that \$60 million in work give or take was estimated in that

five to six week timeframe and that was the only time that these middle schools were looked at.

School Committee Member Beaudry asked so that was not part of the initial...

Mr. Clougherty interjected that was not part of the original RFP. We decided collectively early on that it was going to be the three high schools only.

Chairman Herbert stated I guess there is another meeting coming up so we have to move things along.

Alderman Roy stated I think we may be able to bring some closure to this with a couple of questions. Tim, who besides yourself has viewed this coming in and it making it to our Committee in regards to who is responsible for the \$400,000?

Mr. Clougherty asked who is responsible from a City or Gilbane perspective.

Alderman Roy replied I guess who made the determination that it needed to come from contingency. Would that just be yourself or Highway?

Mr. Clougherty responded essentially it comes from our department. It is our responsibility. We have DMJM who are acting as our advisors and our program managers on the project and they are very well versed in our contract and the history of the project, as well as our request for proposals. I think that Allen would concur that this is a justified added cost.

Alderman Roy moved to have the City Solicitor or another designee take a look at this and determine a timeline and give us a recommendation back on whether or not this should fall under the contingency funds.

School Committee Member Beaudry duly seconded the motion.

Alderman Thibault asked could you just again tell me...this was not part of the original plan but when were you made aware...how far ahead of them having to bid again on the extra work did they get this information. Do you understand what I am saying?

Mr. Clougherty answered no.

Alderman Thibault asked when you decided to go to the other schools and do the other additions or reconstruction of the other schools how long did you give them to make a bid on that.



Mr. Clougherty answered it was roughly five to six weeks for the total renovation of the 18 schools, as well as the additions to these two middle schools.

Alderman Thibault asked now this was extra stuff and not stuff that was in the original proposal right.

Mr. Clougherty answered that is correct.

Alderman Thibault stated that is a very technical problem as far as I am concerned. If we want some work done that they were not aware of at the beginning how can you tell them that you are not going to pay them?

Chairman Herbert responded I agree. I am not going to vote for the motion.

Alderman Porter stated I am looking at the changes in the cost and it appears that this is additional amounts. It isn't just a design change but a construction change. It is an addition.

Mr. Clougherty responded that is correct.

Alderman Porter stated there are new...I think that one thing and Alderman Lopez mentioned this also but one of the concerns I have is holding this up and then in two months finding out we have to pay it could cost in some other way by slowing down construction. Although it is probably not too palatable to come in with close to \$400,000 after the fact, what I am looking at is all of this is additional work and had this been included initially it is very likely that the bid of \$105 million may have been slightly higher. The engineering and things of this nature are probably less costly. Those probably wouldn't have necessarily been much more money in the whole job had it been included but those are a very small portion of the total fee. I would just like to caution the Committee that we don't want to save a dime and lose a dollar.

Chairman Herbert called for a vote on the motion to delay a vote on this while we get a legal opinion from the City Solicitor.

Mr. Clougherty stated if I may I would like to make a suggestion before you move to the motion. If it please the Committee I would recommend rather than not approving these monies at this time and referring it to the City Solicitor that the monies be approved and that we consult with the City Solicitor concurrently after the approval and if such determination is made by the City Solicitor that it is, in fact, within Gilbane's contractual obligations we have the right to file a claim which would allow us to recoup those monies after the fact. It would just allow us to move forward.

Alderman Roy stated I would like to amend my motion because part of the reason to send it to the Solicitor was that we could also meet next Wednesday so this would not linger. I do not want to, as my colleague from Ward 6 said, lose a dollar to save a dime. I would amend my motion to what Mr. Clougherty stated if the Committee so chooses.

Chairman Herbert asked so what would your amended motion be.

Alderman Roy stated it would be to approve the \$400,000 pending determination by the City Solicitor's Office.

School Committee Member Beaudry stated I would second that.

Chairman Herbert asked does this motion include a tentative approval of the project however we are requesting that the City Solicitor review whether the money comes from contingency or from Gilbane...

Alderman Roy interjected or another source.

Chairman Herbert stated I just want to make the intent of the motion clear.

Alderman Roy stated if I could and if Arthur agrees, why don't we remove the original motion and start from scratch instead of dealing with amendments. I move to withdraw my motion and amendment.

School Committee Member Beaudry stated I withdraw my second.

Chairman Herbert stated so the new motion is that the two stairwell projects in the amount of \$381,106 be approved, however we are requesting that the City Solicitor review the issue and make a recommendation as to whether the money shall come from contingency, the contractor or some other source.

Alderman Roy moved that the two stairwell projects in the amount of \$381,106 be approved and that the issue be sent to the City Solicitor to review the issue and make a recommendation as to whether the money shall come from contingency, the contractor or some other source.

School Committee Member Beaudry duly seconded the motion.

Alderman Thibault stated the City Solicitor should also look into the timing of this. If new construction demands were put to the contractor then I believe we

have to pay. I would like the City Solicitor to check into the exact thing that Tim just said to make sure that this is the case.

Chairman Herbert asked do you think that is going to work as one motion or should we break that into two motions.

Alderman Thibault stated the City Solicitor is checking it and I want him to check the timing of when this new construction arrived.

School Committee Member Beaudry stated I believe the motion is going to cover that. The City Solicitor is going to look at the dynamics of the whole bid and whether it should be out of contingency or whether the architect or whoever should pay for this if it doesn't come out of contingency. That would be part of the overall investigation or whatever you want to call it.

Chairman Herbert stated but the core of the motion is that the project is approved.

School Committee Member Beaudry responded that is right. We are not going to hinder the advancement of the project but while it is advancing the Solicitor will be looking at where the money should come from.

Alderman DeVries stated part of that motion because you were restricting it to either be Gilbane's responsibility within the design-build or...we don't want to limit it to just the two options because there could be a determination somehow that Parsons-Brinckerhoff or someone else might have insurance to include that.

Chairman Herbert asked does everybody understand that motion.

The Clerk stated the motion would be to approve the stairwell projects in the amount of \$381,106 and refer the matter to the City Solicitor to determine whether the money is going to come from contingency, Gilbane or some other source.

Chairman Herbert called for a vote on the motion. There being none opposed, the motion carried.

Discussion regarding maintenance issues.

Chairman Herbert stated we don't really have time to discuss this because there is another meeting.

Alderman Roy asked after last night's actions by the Board of Mayor and Aldermen is this something that should be reviewed by the Building & Sites Committee with the revisions of the School budget.

Chairman Herbert answered we certainly have to handle it on our side based on what I am reading in the newspaper. It is for public discourse. It is just a matter of time. I am thinking we don't have the time to actually...my Committee meetings are not televised so the public is probably not all that aware of the details of what we had proposed in our original budget that has been cut by the Aldermen. If we do not have the time we can postpone that discussion for another meeting.

Alderman Thibault stated why don't we table it until the next meeting and maybe by then we will have more facts and information.

School Committee Member Beaudry stated I believe our Administration and the Superintendent are going to have to look at the new numbers that were given to us by the Aldermen and decide where they want to make the cuts. It would probably be premature right now to say that it is going to go down to whatever level because I know they haven't made a decision yet on a new number.

Alderman Roy stated as one of those Aldermen who would be very happy to see our school maintenance much closer to the national average to keep this here I would like to move to table the discussion.

School Committee Member Beaudry duly seconded the motion. Chairman Herbert called for a vote. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to adjourn.

A True Record. Attest.

Clerk of Committee